

**United States Court of Appeals**  
**FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**No. 15-1217**

**September Term, 2016**

FILED ON: FEBRUARY 3, 2017

NATIONAL LABOR RELATIONS BOARD,  
PETITIONER

v.

TITO CONTRACTORS, INC.,  
RESPONDENT

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Consolidated with 15-1226

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On Application for Enforcement and Petition  
for Review of an Order of the  
National Labor Relations Board

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Before: HENDERSON and ROGERS, *Circuit Judges*, and GINSBURG, *Senior Circuit Judge*

**J U D G M E N T**

These causes came on to be heard on the application for enforcement and petition for review of an Order of the National Labor Relations Board and were argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that Tito's petition for review be granted, the Board's application for enforcement be denied, and the case be remanded to the Board for further proceedings, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/

Ken Meadows  
Deputy Clerk

Date: February 3, 2017

Opinion for the court filed by Circuit Judge Henderson.  
Concurring opinion filed by Circuit Judge Henderson.  
Concurring opinion filed by Circuit Judge Rogers.